REMARKS

This is in response to the final Office Action mailed March 20, 2008. In the Office Action, the Examiner notes that claims 8-21 are pending and rejected. By this response, claims 8 and 16 are amended, and claims 13 – 14 and 20 – 21 are cancelled.

In view of the foregoing amendments and the following discussion, Applicants submit that none of the claims now pending in the application are indefinite or obvious under the provisions of 35 U.S.C. §103. Thus, Applicants believe that all of these claims are now in allowable form.

It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response including amendments.

REJECTION OF CLAIMS 8-21 UNDER 35 U.S.C. §103

The Examiner has rejected claims 8-21 under 35 U.S.C. §103(a) as being unpatentable over Day et al. (U.S. Pat. 5,996,015, hereinafter "Day") in view of DeMoney (U.S. Patent 6,065,050, hereinafter "DeMoney") and Katinsky et al. (U.S. Pat. 6,452,609, hereinafter "Katinsky"). Applicants respectfully disagree.

As claimed in Applicants' claim 8, in an information distribution system including provider equipment and subscriber equipment, an apparatus includes a session manager, a server, and a server controller. The session manager is for interacting with subscriber equipment. The session manager maintains a plurality of playlists, where a playlist associated with a subscriber defines a plurality of content streams to be provided to the subscriber equipment. The server stores the content streams, and the server controller controls retrieval of content streams from the server. Thus, since the session manager maintains the playlist and the server manager controls retrieval of content streams of the playlist from the server, in order to ensure smooth transitions between content streams, the server controller and session manager communicate regarding the next content stream to be provided to the subscriber equipment based on

the playlist. As claimed in Applicants' claim 8, the server controller communicates a termination notification to the session manager in response to a remaining portion of a current content stream being provided to the subscriber equipment being below a threshold and, in response to the termination notification, the session manager provides to the server controller an indication of the next content stream to be provided to the subscriber equipment according to the playlist maintained on the session manager.

Applicants respectfully submit that Day, DeMoney and Katinsky, alone or in any permissible combination, fail to teach or suggest this combination of features, and, thus, fail to teach or suggest Applicants' claim 8, as a whole. Namely, Day, DeMoney and Katinsky, alone or in any permissible combination, fail to teach or suggest at least the limitations of "said server controller, in response to a remaining portion of a current content stream being provided to said subscriber equipment being below a threshold, communicating a termination notification to said session manager" and "said session manager, in response to said termination notification, communicating to said server controller an indication of a next content stream to be provided to said subscriber equipment," as claimed in Applicants' claim 8.

In general, Day discloses that a seamless sequential playlist or dynamically created playlist is assembled from selected and communized segments of multimedia files and the resources needed to deliver and play the playlist are reserved in advance to assure resource availability for continuous transmission and execution of the playlists. (Day, Abstract).

Day, however, is devoid of any teaching or suggestion that a server controller, in response to a remaining portion of a current content stream being provided to subscriber equipment being below a threshold, communicates a termination notification to a session manager, or that a session manager, in response to a termination notification from a server controller, communicates to the server controller an indication of a next content stream to be provided to subscriber equipment, as claimed in Applicants' claim 8.

Rather, Day merely includes general statements indicating that if, after the end of a current segment, more segments are to be presented, an initialization process is

begun in order to prepare the next segment to be concatenated to the end of the current segment. (Day, Col. 6, Lines 40 – 49). A general statement that an initialization process is begun in order to prepare a next segment to be concatenated to the end of a current segment, as disclosed in Day, does not teach or suggest a specific arrangement in which a server controller and a session manager exchange communications regarding the next content stream of a playlist that is to be provided to said subscriber equipment, as claimed in Applicants' claim 8.

Day is devoid of any teaching or suggestion of the specific configuration of Applicants' claim 8.

Furthermore, Applicants respectfully note that the Examiner has failed to provide support for the rejection of Applicants' claim 8 by failing to specifically identify the portions of server 201 of Day upon which the Examiner relies in rejecting Applicants' claim 8. More specifically, although the Examiner asserts that data pump 111 of Day teaches the server of Applicants' claim 8, the Examiner fails to specifically identify the portions of server 201 of Day upon which the Examiner bases the assertion that Day discloses the session manager and server manager of Applicants' claim 8. Accordingly, Applicants respectfully submit that the Examiner has failed to establish a prima facie case of obviousness under 35 U.S.C. §103(a).

Thus, at least for these reasons, Day fails to teach or suggest Applicants' claim 8, as a whole.

Furthermore, DeMoney and Katinsky, alone or in any permissible combination, fail to bridge the substantial gap between Day and Applicants' claim 8.

In general, DeMoney discloses a system for indexing between video streams in an interactive video delivery system. As described in DeMoney, the system stores a normal play stream and one or more corresponding trick play streams. (DeMoney, Abstract).

DeMoney, however, fails to teach or suggest at least the limitations of "said server controller, in response to a remaining portion of a current content stream being provided to said subscriber equipment being below a threshold, communicating a termination notification to said session manager" and "said session manager, in

response to said termination notification, communicating to said server controller an indication of a next content stream to be provided to said subscriber equipment," as claimed in Applicants' claim 8.

Rather, DeMoney is primarily directed toward providing indexing between video streams for use in switching between normal streams and trick play streams. DeMoney is devoid of any teaching or suggestion of a server controller and a session controller as claimed in Applicants' claim 8.

Thus, DeMoney, alone or in combination with Day, fails to teach or suggest Applicants' claim 8, as a whole.

Furthermore, Katinsky fails to bridge the substantial gap between Day and DeMoney and Applicants' claim 8.

In general, Katinsky discloses a web application for accessing media streams. As described in Katinsky, a web page has a player for playing media objects, a sequencer which displays a play list that defines an order in which media objects are played by the player, and a media access area for containing a plurality of graphical icons. (Katinsky, Abstract).

Katinsky, however, fails to teach or suggest at least the limitations of "said server controller, in response to a remaining portion of a current content stream being provided to said subscriber equipment being below a threshold, communicating a termination notification to said session manager" and "said session manager, in response to said termination notification, communicating to said server controller an indication of a next content stream to be provided to said subscriber equipment," as claimed in Applicants' claim 8.

Rather, Katinsky is primarily directed toward operation of a web application on an end user device. Katinsky is devoid of any teaching or suggestion of a server controller and a session controller as claimed in Applicants' claim 8.

Thus, Day, DeMoney, and Katinsky, alone or in combination, fail to teach or suggest Applicants' claim 8, as a whole.

Thus, since each of Day, DeMoney, and Katinsky fails to teach or suggest the limitations of "said server controller, in response to a remaining portion of a current

content stream being provided to said subscriber equipment being below a threshold, communicating a termination notification to said session manager" and "said session manager, in response to said termination notification, communicating to said server controller an indication of a next content stream to be provided to said subscriber equipment," any permissible combination of Day, DeMoney, and Katinsky (assuming such combination is even possible) also fails to teach or suggest the limitations of "said server controller, in response to a remaining portion of a current content stream being provided to said subscriber equipment being below a threshold, communicating a termination notification to said session manager" and "said session manager, in response to said termination notification, communicating to said server controller an indication of a next content stream to be provided to said subscriber equipment," as claimed in Applicants' claim 8.

Thus, for at least the above reasons, Applicants respectfully submit that independent claim 8 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Similarly, Applicants' independent claim 16 includes limitations similar to the limitations of Applicants' independent claim 8 and, thus, at least for the same reasons discussed herein with respect to claim 8, Applicants respectfully submit that independent claim 16 also is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder.

As such, Applicants respectfully submit that independent claims 8 and 16 are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Furthermore, claims 9-15 and 17-21 depend, either directly or indirectly, from independent claims 8 and 16 and recite additional features thereof. As such, and at least for the same reasons as discussed above, Applicants submit that these dependent claims also fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

Therefore, Applicants respectfully request that the rejections be withdrawn.
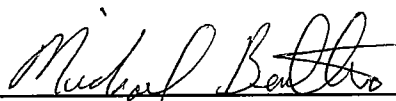
CONCLUSION

As such, Applicants submit that claims 8-12 and 15-19 are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Michael Bentley at (732) 383-1434 or Eamon J. Wall at (732) 383-1438 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: _____8/20/08_____

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